

Introduced by Senator Leno

February 20, 2014

An act to add Section 1569.545 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1153, as introduced, Leno. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Violation of these provisions is a misdemeanor. Existing law authorizes the department to deny an application for a license or suspend or revoke a license issued by the department under specified circumstances.

This bill would authorize the department to order a suspension of new admissions prohibiting a residential care facility for the elderly from admitting new residents under certain circumstances, including, among others, if the department finds that the facility has violated applicable laws or regulations, and the violation presents a direct or immediate risk to the health, safety, or personal rights of a resident or residents of the facility. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1569.545 is added to the Health and
2 Safety Code, to read:

3 1569.545. (a) For purposes of this section, “suspension of new
4 admissions” means a prohibition on admitting new residents to
5 receive care or services in the facility.

6 (b) The department may order a suspension of new admissions
7 for a facility in any of the following circumstances:

8 (1) The department finds that the facility has violated this
9 chapter or any applicable regulations and the violation presents a
10 direct and immediate risk to the health, safety, or personal rights
11 of a resident or residents of the facility.

12 (2) The department finds that the facility has violated this
13 chapter or any applicable regulations and the violation indicates
14 that the facility is not providing adequate care and supervision to
15 its residents.

16 (3) The department has cited the facility for a subsequent
17 violation of the same law or applicable regulation within 12 months
18 of the first violation.

19 (4) The facility has failed to pay a fine assessed by the
20 department.

21 (c) A suspension of new admissions for a failure to pay a fine,
22 as described in paragraph (4) of subdivision (b), shall remain in
23 effect until the facility pays the fine assessed by the department.
24 For all other suspension of new admissions described in subdivision
25 (b), the suspension of new admissions shall remain in effect until
26 the department determines that the facility has corrected the
27 violation and, after the correction has been made, the facility has
28 maintained regulatory compliance for a period of time sufficient
29 to permit a conclusion that the facility will maintain compliance
30 indefinitely.

31 (d) A suspension of new admissions shall not be stayed pending
32 the facility’s appeal or request for review.

33 SEC. 2. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

O